

REMARKS

Claims 1-11, all the claims pending in the application, stand rejected. Claims 1, 4 and 7-9 have been amended.

As a preliminary matter, Applicant thanks the Examiner for his consideration in agreeing to schedule an interview after filing the present amendment, since an interview beforehand could not be conducted due to the Examiner's work schedule. Applicant's representative will contact the Examiner the week of May 24, 2004 to schedule an interview, if necessary. If the Examiner receives the present amendment beforehand and wishes to discuss the allowability of the claims, he is invited to contact the undersigned at his earliest convenience.

Claim Rejections - 35 U.S.C. § 112

Claims 1-11 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the application at the time of filing in such a manner as to demonstrate that Applicants had possession of the invention. This rejection is traversed for at least the following reasons.

The Examiner comments that in claims 1, 4 and 7-9, there is a limitation that "both he images of the player and the non-player characters [are] kept unchanged." Applicants previously advised that the language is intended to convey the fact that before and after switching background images, the characters act continuously and, in this connection, the last state of each character in the previous background image is kept as the first state of the character in the current background image. The Examiner replies that the claim limitation "seems to freeze the displaying image". At the same time, the Examiner admits that the specification at pages 9 and 10 of the specification and Figs. 3, 6 and 7 "appear to have the player and the non-player characters in action."

Applicants submit that using any rule of claim interpretation including (1) reading the claims in light of the specification, (2) using common and ordinary meaning of terms, (3) using comments of the Applicant in the file history and (4) interpreting the claims as would one skilled in the art, the only interpretation is that the characters keep their same appearance - they are not frozen. Thus, this basis for rejection should be withdrawn.

This phrase was intended to convey the teachings of Figs. 3-5 and 6-7 of the original specification. In Figs. 3-5, a main character 301 and other characters 302 appear in a “moving mode” (as one of a plurality of operational modes). As can be seen from Figs. 3, 4 and 5, the appearance of the characters in the moving mode remains the same, though the scene may change with movement of the main character, as is evident from a comparison of Figs. 4 and 5. Similarly, as seen in a comparison of Figs. 3, 4 and 6, as a transmission occurs from a “moving mode” to a “fighting mode,” the background image of the scene will remain unchanged while the characters retain their same appearance (i.e., weapons and attire). As action in the “fighting mode” progresses and a character moves, the background scene will remain the same. This feature is described at pages 9 and 10 of the application.

The Examiner’s position that the claimed limitation seems to “freeze” the displaying image is not what was intended by the Applicant, as admitted by the Examiner, and a fair reading of the specification would support a different interpretation of the phrase “kept unchanged,” Applicant believes it best to delete the language, since it is not needed for patentability. The limitation in the displaying step was introduced in the amendment in response to the Office Action dated October 26, 2001, but not in an attempt to distinguish over the prior art.

Claim Rejections - 35 U.S.C. § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieder (5,769,718) in view of Stephens et al (6,155,923). This rejection is traversed for at least the following reasons.

The Examiner has admitted that Rieder fails in teaching key limitations in claims 1, 4 and 7-9, namely “displaying” images of player characters and non-player characters and background images that display scenes, and “restricting the switching of the background images from the start until the completion of an operational mode.” The Examiner comments the limitation of restricting the switching of the background images from the start until the completion of the operational mode is taught by Stephens et al.

Applicants argued that Stephens et al is deficient for two fundamental reasons. First, in Stephens et al, there is no mechanical operation or waiting time for access to memory. Applicants pointed the Examiner to the BACKGROUND portion of Stephens et al. (col. 1, line

20), and the origins of Stephens et al in the Sega Genesis videogame platform (hereinafter referred to as Genesis). Applicants asserted that in Genesis (and Stephens) a cartridge based ROM 158 is used as a recording medium for storing a videogame program and its data and that in order to access the ROM cartridge, no mechanical operation is required. Only an electrical operation is involved. Stephens et al does not have any possibility of a problem that may create a waiting time. Thus, Applicants submitted that there is no motivation to even consider a need to reduce waiting time in Stephens et al.

The Examiner appears to acknowledge this difference, but replies that there is no limitation in the claims with respect to a mechanical operation.

Applicant's system as illustrated in Fig. 1 includes a CD-ROM drive 143 that must be accessed in order to obtain additional image data. At page 10 of the specification, the advantage of the invention is identified in Paragraph 2 as the prohibition on switching the scene so that the background remains the same even if the player character 301 moves further in the screen. Accordingly, no CD-ROM time occurs. The Applicant's argument in the previous Amendment was focused on the time delay involved in a mechanical operation, and distinguished a purely electronic operation as seen in Stephens et al (which presumably involves negligible delay time).

In order to emphasize the relevant scope of this difference, Applicants have amended the claim to expressly state in the preamble of all the independent claims that switching of background images requires a finite and unacceptable delay. This phrase covers both mechanical and electronic access to storage for retrieval of background scene data. The invention as now stated is expressly limited to reducing such unacceptable delay, thus providing an advantage over the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.116
Application No. 09/559,469

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

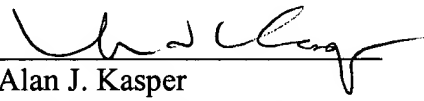
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Alan J. Kasper
Registration No. 25,426

Date: May 10, 2004